

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on March 3, 2003

(Date of Deposit)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

# REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Application Number 09/829,614

Filing Date April 10, 2001

First Named Inventor Luis E. GUTIERREZ-SHERIS

Art Unit 2166

Examiner Name unknown

Attorney Docket Number Unisphere-13/3

To: Commissioner for Patents  
Washington, DC 20231

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

NON-PAYMENT OF LEGAL FEES. SEE ATTACHED DECLARATION OF PETER L. MICHAELSON

1. ☐ The correspondence address is NOT affected by this withdrawal.2. ☒ Change the correspondence address and direct all future correspondence to:

## CORRESPONDENCE ADDRESS

☐ Customer Number
Place Customer Number  
Bar Code Label Here

OR

☒ Firm or Individual Name Ronald Schwartzman, Esq.

Address Uniteller Financial Services, Inc.

Address 218 Route 17 North, Suite 402

City Rochelle Park State New Jersey

Zip 07662

Country US

Telephone 201-345-2046

Fax

☒ This request is made on behalf of myself and☐ all the attorneys/agents of record.☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or☒ the attorneys/agents associated with Customer Number 007265

This request is enclosed in triplicate (including any attachments).

Name Peter L. Michaelson

Signature *Peter L. Michaelson*

Date March 3, 2003

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

(UNISHPERE13-3REVOKE/ca)

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

DECLARATION OF PETER L. MICHAELSON

RECEIVED

MAY 15 2003

GROUP 3600

I, Peter L. Michaelson, one of the attorneys of record in the above-captioned patent application, hereby submit this declaration in support of the accompanying Petition to Withdraw as the attorneys of record for non-payment of legal fees, as set forth in detail below.

1. Between June 2002 and October 2002 our firm, and principally me, has rendered substantial legal services in connection with several patent matters for the present assignee, Uniteller Financial Services, Inc. ("Uniteller"). Prior to providing each specific service, we notified Mr. Ronald Schwartzman, Esq., Legal Counsel and Assistant Vice President of Uniteller, in writing of each service we would render and supplied him with a written estimate of our charges for that service. In each instance, Mr. Schwartzman provided his written approval to proceed, effectively agreeing that Uniteller would be fully responsible to remit payment for our charges, as estimated, which included both our service fees and our disbursements. Uniteller has been a client of our firm for approximately 10 years and has always paid its bills, usually on quite a timely basis. We had no reason to doubt that Uniteller would treat our bills for these latest charges any differently.

2. We then rendered the requested services.

3. Between June and October 2002 we rendered bills to Uniteller in the amount of \$ 5,326.52 for our services and accompanying disbursements. To date, Uniteller has only remitted a partial payment to us, in November 2002, in the amount of \$ 2,500.00 towards payment of these bills. Uniteller Applicant presently owes us a principal balance of \$ 2,826.52 for services rendered and disbursements.

4. Numerous payment requests have been sent to Mr. Schwartzman, i.e., letters and facsimiles sent: 8/6/02, 9/4/02, 10/2/02, 11/7/02, 11/25/02, 12/5/02, 12/19/02, 1/9/03, 2/4/03, 2/5/03 and 2/10/03; and telephone calls made on: 11/25/02, 12/10/02, 1/8/03 and 2/21/03.

5. In that regard, our letter of December 19, 2002 -- before we received any office actions in any of Uniteller's three pending US patent applications (since that date we have received an action mailed January 31, 2003 in serial number 09/635,330, but no action has yet to be received in

any of the other two Uniteller patent applications) specifically and strongly advised Uniteller that if payment (both the outstanding balance and a suitable retainer for work going forward) was not made by January 20, 2003, we would have no choice but to withdraw. We sent a further letter on February 10, 2003 which forwarded a copy of the office action in the '330 application and bluntly noted to Mr. Schwartzman that in spite of the payment requests made in our December 19, 2002 letter, we have received no payment. In our February 10<sup>th</sup> letter, we strongly advised him that in the absence of such a payment, we would not provide any further services. We also specifically pointed out to him that if a response is not timely filed, the '330 patent application will go abandoned.

6. During this period, Uniteller has made numerous promises to us that full payment will be forthcoming. In spite of these promises, no further payments have been remitted.

7. During the latest telephone discussion I had with Mr. Schwartzman which occurred on February 21, 2003, I reminded him of the outstanding balance in our firm's favor and specifically asked him when full payment would be forthcoming from Uniteller. His response was simply "I don't know". I told Mr. Schwartzman that this was unacceptable and asked him to determine what the problem was, particularly since neither he nor any one at Uniteller ever informed me of the reason for the delay in payment. I then inquired as to when he could provide me with an answer to which he again responded "I don't know". I then stated that, since the amount outstanding is relatively small and clearly has no impact or consequence on any of Uniteller's corporate operations, I simply did not understand what could be the problem at Uniteller in making payment. I further stated that I wanted a date certain by which he would provide his response back to me. He responded by offering to do so in "two weeks". I then stated that that period was too long and would give him "one week", i.e. to today, Friday, February 28, 2003, to provide his answer. I further informed him that if he did not respond by the end of that day with an appropriate answer, I would have no choice but to file petitions with the US PTO to withdraw as attorney from all Uniteller matters then pending at the US PTO and take further action, as we saw fit, to collect the amount due us. He understood this and agreed to call me by February 28th.

8. Not surprisingly and unfortunately, but expectedly, Mr. Schwartzman did not contact me, as he had agreed, by the close of business, Friday, February 28, 2003.

9. We believe that the likelihood of receiving future payments from Uniteller is quite remote. Hence, we believe that we will be harmed if we were to continue to assume responsibility in any way over Uniteller's patent applications. Specifically, if this application for withdrawal was not approved, then our professional and ethical obligations as attorneys would force us to expend additional time and resources on behalf of Uniteller in monitoring the status of the applications and responding to any and all office actions as they arose. However, we would most likely not receive any compensation for any of our efforts.

10. We have provided Uniteller with copies of all correspondence with the US PTO in this matter, as each item of correspondence was either sent or received by us.

11. Once this petition for our withdrawal is approved, kindly direct all future correspondence regarding this application to Uniteller as its present principal place of business:

Uniteller Financial Services, Inc.  
218 Route 17 North  
Suite 402  
Rochelle Park, NJ 07662

and direct all telephone calls to:

Ronald Schwartzman, Esq.  
Legal Counsel and Assistant Vice President  
(201) 345-2046

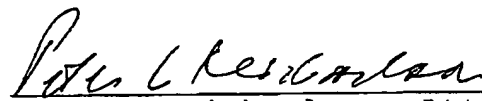
12. In conclusion, in the absence of receiving all our fees from Uniteller, we do not want to expend any further resources on any of Uniteller's pending matters in the US PTO or continue to be responsible in any way therefor. For this reason, we earnestly solicit the Commissioner's prompt consideration and approval of this petition to withdraw.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that

willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

March 3, 2003

  
Peter L. Michaelson, Attorney  
Reg. No. 30,090  
(732) 530-6671

MICHAELSON & WALLACE  
Counselors at Law  
Parkway 109 Office Center  
328 Newman Springs Road  
P. O. Box 8489  
Red Bank, New Jersey 07701

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on March 3, 2003  
(Date of Deposit)

3/3/03 C. Cherry  
Date Signature